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November 8, 2013

FILE # ML-47448-13
I.D. # 47448

Office of the Attorney General
Attention: Opinion Committee
P.O. Box 12548
Austin, Texas 78711-2548

RQ-1164-GA

Dear Attorney General Abbott:

Pursuant to the authority to issue advisory opinions granted to the Attorney General in §22 of Article IV of the Texas Constitution and §402.041, *et seq.* of the Texas Government Code, this letter is submitted to request an opinion regarding certain provisions of the Texas Transportation Code.

BACKGROUND

Per Section 720.002 of the Texas Transportation Code,

Sec. 720.002. PROHIBITION ON TRAFFIC-OFFENSE QUOTAS. (a)

A political subdivision or an agency of this state may not establish or maintain, formally or informally, a plan to evaluate, promote, compensate, or discipline:

(1) a peace officer according to the officer's issuance of a predetermined or specified number of any type or combination of types of **traffic citations**; or

(2) a justice of the peace or a judge of a county court, statutory county court, municipal court, or municipal court of record according to the amount of money the justice or judge collects from persons convicted of a **traffic offense**.

(b) A political subdivision or an agency of this state may not require or suggest to a peace officer, a justice of the peace, or a judge of a county court, statutory county court, municipal court, or municipal court of record:

(1) that the peace officer is required or expected to issue a predetermined or specified number of any type or combination of types of **traffic citations** within a specified period; or

(2) that the justice or judge is required or expected to collect a predetermined amount of money from persons convicted of a **traffic offense** within a specified period.

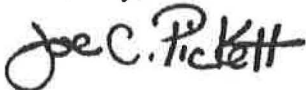
QUESTIONS PRESENTED

1. Is it a violation of Section 720.002 of the Texas Transportation Code for a political subdivision or agency of this state to require or suggest to a peace officer that the peace officer is required or expected to issue a predetermined or specified number of any type or combination of types of warning citations?
2. Is it a violation of Section 720.002 of the Texas Transportation Code for a political subdivision or agency of the state to establish or maintain, formally or informally, a plan to evaluate promote, compensate, or discipline a peace officer according to the officer's issuance of a predetermined or specified number of any type or combination of types of warning citations?

Thank you for your time and consideration with regard to this matter. If you need any additional information, please do not hesitate to contact me.

Thank you in advance for your consideration in this matter.

Sincerely,

A handwritten signature in black ink that reads "Joe C. Pickett". The signature is written in a cursive style with a large, stylized "J" and "P".

Joe C. Pickett

cc: The Honorable Pat Fallon